REMARKS

In the Office Action dated July 3, 2002, the Examiner states that the instant claims are directed to more than one species of the generic invention, and that these species lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. More specifically, the Examiner contends that SEQ ID NOS: 1-33 are species which are not related and lack the same or corresponding special technical feature. It is the Examiner's position that the claims should be restricted to one of the species of SEQ ID NOS: 1-33 if no generic claims is held to be allowable. The Examiner also requires Applicants to identify the claims that read on the elected species.

In order to be fully responsive to the Examiner's requirement for restriction to a single species, Applicants provisionally elect, with traverse, the species of SEQ ID NO: 1 for continued prosecution. Claims that read on the elected species include Claims 1-8 and 10-13. However, pursuant to 37 C.F.R. §§1.111 and 1.143, Applicants hereby traverse the Examiner's requirement for restriction to a single species and request reconsideration thereof in view of the following remarks.

A requirement for restriction presupposes an analysis of the subject application in light of the rules governing this practice, i.e., 37 C.F.R. §1.499 and PCT Rules 13.1 and 13.2. PCT Rule 13.1, first sentence, states: "The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ('requirement of unity of invention')." (Emphasis added.) PCT Rule 13.2 states: "The expression 'technical features' shall mean those technical features that define a

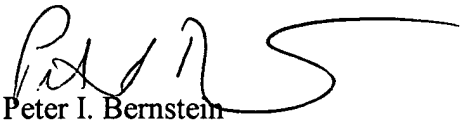
contribution which each of the claimed inventions, considered as a whole, makes over the prior art." (Emphasis added.)

Applicants submit that SEQ ID NOS: 1-33 are not unrelated as the Examiner has alleged, but rather are related to each other to form a single inventive concept warranting examination in a single application. More specifically, SEQ ID NOS: 1-33 set forth various nucleotide or amino acid sequences of portions of Phospholipase A_2 inhibitors from several species. For example, SEQ ID NO: 1 sets forth the amino acid sequence of *N. scutatus* Phospholipase A_2 inhibitor (or "NSI") α chain; SEQ ID NOS: 4-11 set forth the amino acid sequences of tryptic peptides of NSI β chain. SEQ ID NOS: 12-45 set forth the amino acid sequences or nucleotide sequences of *N. ater* Phospholipase A_2 inhibitor (or "NAI") α chain or β chain or various portions thereof. SEQ ID NOS: 2-3 set forth the amino acid sequences of Phospholipase A_2 inhibitor (or "NSI") α chain from *Oxyuranus scutellatus* and *Oxyuranus microlepidotus*, respectively. The present invention provides the identification and isolation of these Phospholipase A_2 inhibitors, and further provides the use of these inhibitors for the treatment of cancer. It is submitted all the species represented by SEQ ID NOS: 1-33, when considered as a whole, are related to each other to form a single inventive concept and define a contribution over the prior art.

Accordingly, it is respectfully submitted that the instant claims satisfy the requirements for unity of invention. Applicants respectfully urge that the Examiner reconsider and withdraw the requirement for restriction to a single species if no generic claims are held allowable, or at least include SEQ ID NOS: 1 and 4-11 if no generic claims are held allowable.

Finally, Applicants respectfully submit that a determination to make the pending species restriction requirement final must evidence the patentable distinctness of all species, one from the other, as presented by the Examiner.

Respectfully submitted,



Peter I. Bernstein
Registration No. 43,497

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

PIB/XZ:ab